

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA	§	
	§	
VS.	§	21-CR-797
	§	
ISRAEL JOSE JUAREZ, JR.	§	

MOTION TO DEPOSE MATERIAL WITNESSES

COMES NOW Alfonso Velasquez–Carbajal and Josue Rosado–Toro as the material witnesses, by and through their attorney of record, Michele Villarreal-Kuchta, and respectfully moves this Court to allow the Government and the Defendant in this case to take the deposition of Alfonso Velasquez–Carbajal and Josue Rosado–Toro, material witnesses presently in custody.

I.

On or about August 21, 2021 in Kenedy County, Texas, in the Southern District of Texas, U.S. Special Agent, Jordan L. Detter, arrested the Defendant Israel Jose Juarez, Jr. for transporting illegal aliens. The Border Patrol designated Alfonso Velasquez–Carbajal and Josue Rosado–Toro as the material witnesses pursuant to 18 U.S.C. §3144, and U.S. Magistrate Judge Jason B. Libby set bond on each, Alfonso Velasquez–Carbajal and Josue Rosado–Toro, at \$10,000 cash or surety.

II.

Unable to post bond since their arrest on August 21, 2021, the material witnesses remain incarcerated and in the custody of the United States Marshal Service in the Southern District of Texas. To date, the Government has taken no action to preserve their testimony for subsequent

use at hearings or trial.

The testimony by video deposition would provide the United States Attorney and the Attorney for the Defendant with the same opportunity to present any evidence for or against the Defendant as if the witnesses were present at such time as the case is called for trial. See 8 U.S.C. §1324(d) (videotaped deposition of deported witness admissible).

III.

Alfonso Velasquez–Carbajal and Josue Rosado–Toro do not desire to prolong their detention as the material witnesses and request the Court to order their videotaped deposition be taken to prevent a miscarriage of justice through prolonged, unnecessary confinement. See 18 U.S.C. §3144 & Fed.R.Crim.P.15.

WHEREFORE, PREMISES CONSIDERED, Alfonso Velasquez–Carbajal and Josue Rosado–Toro, as material witnesses, respectfully move the Court to order the videotaped deposition be taken at the earliest possible date so that they can be discharged from custody upon completion of same.

Respectfully submitted,

MICHELE VILLARREAL-KUCHTA

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By: /s/Michele Villarreal-Kuchta

Michele Villarreal-Kuchta

SBN: 00792897

Federal Southern District Bar No. 18881

**ATTORNEY FOR MATERIAL
WITNESSES**

CERTIFICATE OF CONSULTATION

On this 26th day of October, 2021 I, Michele Villarreal-Kuchta, the undersigned attorney for the material witnesses Alfonso Velasquez–Carbajal and Josue Rosado–Toro hereby certify that I have consulted with Assistant United States Attorney Mr. James Gochenour who is **UNOPPOSED** to the setting of depositions in this matter.

I further certify that I have attempted to consult with Mr. Eduardo Lucio, Attorney for Defendant Israel Jose Juarez, Jr. and have otherwise received no response as to his position for the requested relief.

The Government and I have **agreed to set IN PERSON depositions on November 9, 2021 at 1:00 p.m. and as of the moment of this filing, this date and time is available.**

By: /s/Michele Villarreal-Kuchta
Michele Villarreal-Kuchta

CERTIFICATE OF SERVICE

I, Michele Villarreal-Kuchta, do hereby certify that on this 26th day of October, 2021, a true and correct copy of this *Motion to Depose Material Witnesses* has been forwarded *via Notification of Electronic Filing* to the following:

1. The Office of the United States Attorney; and to
2. Mr. Eduardo Lucio, Attorney for Defendant Israel Jose Juarez, Jr.

By: /s/Michele Villarreal-Kuchta
Michele Villarreal-Kuchta

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ORDER ON MOTION TO DEPOSE MATERIAL WITNESSES

On this the ____ day of _____, 2021 came on to be heard Movant's *Motion To Depose Material Witnesses* wherein Movant, Mr. Eduardo Lucio, Attorney for Defendant Israel Jose Juarez, Jr., by and through their Attorney of Record Michele Villarreal-Kuchta, requests to have the videotaped deposition of their testimony taken and having considered same, the Court is of the opinion that it should be

_____ DENIED

OR

_____ GRANTED. Accordingly, this matter is set for deposition on

THIS DATE: November 9, 2021 at 1:00 p.m.

OR

AND AT THIS LOCATION: at 1133 North Shoreline, Corpus Christi, Texas in the

_____ U.S. Magistrate Jury Room

_____ U.S. Central Jury Room

SIGNED this _____ day of _____, 2021.

PRESIDING JUDGE